

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

STRUDEL HOLDINGS LLC and
AVR AH LLC,

Debtors.

AVR AH LLC; STRUDEL HOLDINGS LLC;
CHARIF SOUKI; and KARIM SOUKI,
CHRISTOPHER SOUKI, and LINA RIZZUTO,
as Trustees of the SOUKI FAMILY 2016
TRUST,

Plaintiffs,

v.

NINETEEN77 CAPITAL SOLUTIONS A LP;
BERMUDEZ MUTUARI, LTD; WILMINGTON
TRUST NATIONAL ASSOCIATION, and UBS
O'CONNOR LLC,

Defendants.

Chapter 11

Case No. 23-90757 (CML)

(Jointly Administered)

Adv. Pro. No. 23-09003

DEFENDANTS' EMERGENCY MOTION TO APPEAR REMOTELY

Emergency relief has been requested. Relief is requested not later than 9:30 a.m. December 11, 2023.

If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

Nineteen77 Capital Solutions A LP, Bermudez Mutuari, Ltd., UBS O'Connor LLC, and Wilmington Trust National Association (collectively "Defendants"), by and through undersigned counsel respectfully request permission for fact witness Jeff Rose to testify at the trial scheduled

for December 11, 2023 via remote video appearance. Defendants in support thereof, state the following:

1. Defendants will offer Mr. Rose's testimony to authenticate and lay foundation for certain business records kept by his employer, Wilmington Trust. In particular, Mr. Rose will introduce certain records that show the balance currently due under the loans at issue in the above-captioned adversary proceeding.

2. Defendants conferred with Plaintiffs about whether the schedules could be introduced via stipulation, but Plaintiffs were unwilling to agree to such a stipulation.

3. Defendants anticipate that their direct examination of Mr. Rose will take approximately 15 minutes. Plaintiffs indicated that any cross examination would be similarly limited.

4. Mr. Rose resides in Minneapolis, Minnesota. As such, his presence at trial requires travel to Houston, Texas.

5. Due to preexisting travel plans with his family, Mr. Rose is not available to testify in person (or remotely) on Wednesday, December 13 and is not available to testify in person on Thursday, December 14. Given his work obligations, upcoming travel plans, and the limited duration of his testimony, it would be unnecessarily burdensome to force Mr. Rose to appear live during trial of this action during the week of December 11.

6. The Secured Parties have explained the forgoing circumstances to the Plaintiffs, and Plaintiffs have indicated that they do not consent to Mr. Rose testifying remotely.

7. Emergency Relief is appropriate because trial is scheduled to begin on Monday, December 11, 2023, and the witness must be made aware ahead of time if he is required to travel to Houston, Texas.

8. For the forgoing reasons, the Secured Parties respectfully request that the Court grant the Motion authorizing Mr. Rose to testify remotely on Tuesday, December 12, 2023 and grant such other relief that the Court deems equitable.

Dated: New York, New York
December 8, 2023

/s/ Darrell S. Cafasso

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**IN THE UNITED STATES BANKRUPTCY COURT
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Chapter 11

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(Jointly Administered)

AVR AH LLC; STRUDEL HOLDINGS LLC;
CHARIF SOUKI; and KARIM SOUKI,
CHRISTOPHER SOUKI, and LINA RIZZUTO, as
Trustees of the SOUKI FAMILY 2016 TRUST.

Adv. Pro. No. 23-09003

Plaintiffs,

v.

NINETEEN77 CAPITAL SOLUTIONS A LP;
BERMUDEZ MUTUARI, LTD; WILMINGTON
TRUST NATIONAL ASSOCIATION, and UBS
O'CONNOR LLC

Defendants.

**[PROPOSED] ORDER GRANTING DEFENDANTS' EMERGENCY MOTION TO
APPEAR REMOTELY**

Upon consideration of the emergency motion (the "Emergency Motion") of Nineteen77 Capital Solutions A LP, Bermudez Mutuari, Ltd., UBS O'Connor LLC, and Wilmington Trust National Association (collectively "Defendants") for entry of an order authorizing remote appearance of witness Mr. Jeff Rose, the Court finds that cause exists to grant the relief requested in the Emergency Motion.

IT IS HEREBY ORDERED THAT:

1. The Emergency Motion is GRANTED.
2. Mr. Jeff Rose is permitted to testify at the trial in the above-captioned adversary proceeding via remote video appearance on December 12, 2023.

Dated: _____, 2023

CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE